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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RICARDO LARA, ANA LARA,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES; LEE
BACA IN HIS OFFICIAL CAPACITY
AS SHERIFF OF LOS ANGELES
COUNTY; LEE BACA IN HIS
INDIVIDUAL CAPACITY;
DEFENDANT DOE DEPUTY
"LOPEZ" AND DOE DEFENDANTS
2-30, Inclusive,

Defendants.

CASE NO.: CV12-08469 DDP(SHx)

NOTICE OF CASE RELATED TO
Alex Rosas, et al. v. Leroy Baca,
CV 12-00428 DDP (SHx)

JUDGMENT

**Pretrial Conf.: February 5, 2015
Trial Date: February 10, 2015**

This case came on regularly for trial on February 10, 2015 to February 19, 2015 in Courtroom 3 of this Court, the Honorable Dean D. Pregerson presiding; the Plaintiffs appearing by Attorneys Hermez Moreno and Brian Bush from Boucher L.L.P. and Michael Alder, from Alderlaw P.C. and Defendants appearing

1 by Attorneys Rickey Ivie and Davida M. Frieman from **IVIE, MCNEILL &**
 2 **WYATT.**

3 A jury of 9 persons was regularly impaneled and placed under oath.
 4 Witnesses were placed under oath and testified. After hearing the evidence and
 5 arguments of counsel, the jury was duly instructed by the Court and the case was
 6 submitted to the jury with directions to return a verdict. The jury deliberated and
 7 thereafter returned into court with its verdict consisting of the issues submitted to
 8 the jury and the answers given thereto by the jury, which said verdict was in words
 9 and figures as follows, to wit:

10 We the Jury answer the questions submitted to us as follows:

11
 12 COUNTY DEFENDANT (MUNICIPAL LIABILITY CLAIM)

13
 14 **QUESTION NO. 1:** Did the Plaintiff prove by a preponderance of the
 15 evidence that one or more Los Angeles County Sheriffs' Department custodial
 16 officers violated Plaintiff Ricardo Lara's Eighth Amendment Rights against cruel
 17 and unusual punishment by directing another inmate to force Plaintiff to perform
 18 exercises known as "fichas" or "burpees"?

19
 20 YES ____ NO X

21
 22 *Answer Question No. 2 only if you answered "YES" to Question No. 1.*
 23 *If you answered "NO" to Question No. 1, skip to Question No. 4*

24
 25 **QUESTION NO. 2:** Did the Plaintiff prove by a preponderance of the
 26 evidence that the Los Angeles County Sheriffs' Department custodial officers
 27 violated Plaintiff Ricardo Lara's Eighth Amendment Rights against cruel and

1 unusual punishment pursuant to a longstanding practice or custom of Defendant
2 County of Los Angeles Sheriff's Department?

3
4 YES ____ NO ____

5
6 *Answer Question No. 3 only if you answered "YES" to Question No. 2.*
7 *If you answered "NO" to Question No. 2, skip to Question No. 4*
8

9 **QUESTION NO. 3:** Did the Plaintiff prove by a preponderance of the
10 evidence that the longstanding practice or custom of Defendant County of Los
11 Angeles' Sheriff's Department was a moving force behind the injuries to Plaintiff?

12
13 YES ____ NO ____

14
15 DEPUTY DEFENDANT (EIGHTH AMENDMENT EXCESSIVE
16 FORCE/CRUEL AND UNUSUAL PUNISHMENT CLAIM)
17

18 **QUESTION NO. 4:** Did the Plaintiff prove by a preponderance of the
19 evidence that Defendant Nicholas Lopez-Gil directed another inmate to force
20 Plaintiff to perform exercises known as "fichas" or "burpees"?

21
22 YES ____ NO X

23
24 *Answer Question No. 5 only if you answered "YES" to Question No. 4.*
25 *If you answered "NO" to Question No. 4, skip to Question No. 7*
26
27

1 allowing another inmate to force Plaintiff to perform exercises known as “fichas”
2 or “burpees” was a substantial factor in causing injury to Plaintiff Ricardo Lara?

3
4 YES ____ NO ____
5
6

7 DEPUTY DEFENDANT (INTENTIONAL INFLICTION OF EMOTIONAL
8 DISTRESS)

9 *Answer Question No. 9 only if you answered “YES” to Question No. 4.*
10

11 **QUESTION NO. 9:** Was Defendant Nicholas Lopez-Gil’s conduct in
12 directing another inmate to force Plaintiff to perform exercises known as “fichas”
13 or “burpees” outrageous conduct?

14
15 YES ____ NO ____
16

17 *Answer Question No. 10 only if you answered “YES” to Question No. 9.*
18 *If you answered “NO” to Question No. 9, skip to Question No. 13*
19

20 **QUESTION NO. 10:** Did Plaintiff prove by a preponderance of the
21 evidence that Defendant Nicholas Lopez-Gil intended to cause Plaintiff Ricardo
22 Lara emotional distress?

23
24 YES ____ NO ____
25

26 *Answer Question No. 11 only if you answered “YES” to Question No. 10.*
27 *If you answered “NO” to Question No. 10 skip to Question No. 13*
28

QUESTION NO. 11: Did Plaintiff Ricardo Lara suffer severe emotional distress?

YES ____ NO ____

*Answer Question No. 12 only if you answered “YES” to Question No. 11.
If you answered “NO” to Question No. 11, skip to Question No. 13*

QUESTION NO. 12: Did the Plaintiff prove by a preponderance of the evidence that Defendant Nicholas Lopez-Gil’s conduct was a substantial factor in causing Plaintiff Ricardo Lara’s severe emotional distress?

YES ____ NO ____

DEPUTY DEFENDANT (INTERFERENCE WITH MARITAL RELATIONS)

Answer Question No. 13 only if you answered “YES” to Question No. 4.

QUESTION NO. 13: Did the Plaintiff prove by a preponderance of the evidence that Defendant Nicholas Lopez-Gil violated Plaintiff Ana Lara’s Fourteenth Amendment Right to be free from government interference in her marriage with Ricardo Lara by directing another inmate to force Plaintiff to perform exercises known as “fichas” or “burpees”?

YES ____ NO ____

*Answer Question No. 14 only if you answered “YES” to Question No. 13.
If you answered “NO” to Question No. 13, Skip to Question No. 16*

QUESTION NO. 14: Did Defendant Nicholas Lopez-Gil’s conduct shock
the conscience?

YES ____ NO ____

*Answer Question No. 15 only if you answered “YES” to Question No. 14.
If you answered “NO” to Question No. 14, skip to Question No. 15*

QUESTION NO. 15: Did the Plaintiff prove by a preponderance of the
evidence that Defendant Nicholas Lopez-Gil’s conduct was a moving force that
caused the injuries to Plaintiff Ana Lara?

YES ____ NO ____

DAMAGES

*Only answer the following questions if you answered “YES” as to any
Defendant on any or all of the following questions: 3, 6, 8, 12, 15. Otherwise,
please answer no further questions and have the foreperson sign and date this
form.*

QUESTION NO. 16: What is the amount of damages, if any, that Plaintiff
Ricardo Lara Incurred as a result of Defendant(s)’ conduct?

Past Non-Economic _____

1 Future Non-Economic _____

2
3 ***Only answer Question No. 17 if you answered “YES” to Question No. 15.***
4 ***Otherwise, please skip to question 18.***

5
6 **QUESTION NO. 17:** What is the amount of damages, if any, that Plaintiff
7 Ana Lara Incurred as a result of Defendant(s)’ conduct?

8
9 Past Loss of Consortium _____

10 Future Loss of Consortium _____

11
12 **PUNITIVE**

13 ***Only answer the following questions if you answered “YES” as to any***
14 ***Defendant on any or all of the following questions: 3, 6, 8, 12, 15. Otherwise,***
15 ***please answer no further questions and have the foreperson sign and date this***
16 ***form.***

17
18 **QUESTION NO. 18:** Did you find that the conduct of any of the following
19 defendant(s) was malicious, oppressive, or in reckless disregard of Plaintiff’s civil
20 rights?

21
22 Defendant Nicholas Lopez-Gil _____

23
24 It appearing by reason of said verdict that:
25 Defendants COUNTY OF LOS ANGELES and DEPUTY NICHOLAS LOPEZ-
26 GIL, are entitled to judgment against Plaintiffs RICARDO LARA and ANA
27 LARA.

1 Now, therefore, it is **ORDERED, ADJUDGED, AND DECREED** that said
2 Plaintiffs RICARDO LARA and ANA LARA shall recover nothing by reason of
3 the Complaint from Defendants COUNTY OF LOS ANGELES and NICHOLAS
4 LOPEZ-GIL. Each party shall bear its own costs.

5
6
7
8 Dated: July 22, 2015



Honorable Dean D. Pregerson
United States District Judge